IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO. 837 OF 2004
IN
Summary SUIT NO. 2785 OF 2004

Chimanlal B. Sanghavi . .... Plaintiff
vs.
M/s. V. A. Marketing Co. & ors. ... Defendants

K. K. Tated for Plaintiff
P. Dholakia a/w. Vandana G. for defendant no.3.
I/b. Dholakia Gupte & Co.,

CORAM: S. U. KAMDAR J.

Date: 28/9/2005

P.C.

The Plaintiff has filed the present suit based on the statement of account at Exhibit "A". However, the purported confirmation at page 16 of the plaint does not show confirmation of the balance amount due and payable by the defendants. It only shows an endorsement by the defendants that Rs.50,000/- is paid to Mr. C. B. Shangvi representing on behalf of Uteka (M/s. Mahavir Enterprises) on account. There is no confirmation of balance. In that view of the matter unconditional leave to defend. Summons for Judgment dismissed.

Suit transferred to the list of Commercial causes. Written statement or points of defence to be filed four weeks from today.

Affidavits, list of documents to be filed within four weeks thereafter. Inspection within four weeks thereafter. Suit to be on board of the learned Judge taking Commercial Causes.

(S. U. KAMDAR J.)

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